

P.C. 0009.96



PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of )  
)  
Peggy M. Tomasula ) Group Art Unit 1761  
) Examiner P. Dubois  
Production of High Protein )  
Concentrates )  
Serial No. 09/247,219 )  
Filed February 10, 1999 )

The Honorable  
The Assistant Commissioner for Patents  
Sir:

AMENDMENT, PETITION FOR EXTENSION OF TIME  
AND REQUEST FOR RECONSIDERATION

Applicant hereby petitions for a one-month extension of time to respond to the Office Action mailed March 3, 2000, thereby extending the period for response to July 3, 2000. Please charge the \$110.00 fee for said extension and any deficiencies in fees to deposit account 01-0455.

Please amend the above-identified patent application as follows:

06/30/2000 NLURG6 00000075 010455 09247219  
01 FC:115 110.00 CH

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents & Trademarks, Washington, D.C. 20231 on

June 27, 2000  
(Date of Deposit)

Joseph A. Lipovsky  
Name of Depositor

Signature

6/27/00  
Date of Signature



AMENDMENT  
IN THE CLAIMS

Claim 1. (Amended) A process for providing a concentrate of vegetable protein comprising:

- a) applying a pressure of from about 400 to 800 pounds per square inch (psi) to an initial solution/dispersion of vegetable protein and associated vegetable solids;
- b) providing or adding CO<sub>2</sub> at the elevated pressure to form carbonic acid (H<sub>2</sub>CO<sub>3</sub>) in the solution/dispersion so as to lower the pH below about 5.5;
- d) heating the solution/dispersion, resulting in increase in pressure;
- d) adding additional CO<sub>2</sub> to the solution dispersion to reduce the pH of the solution/dispersion;
- e) holding the pressurized and heated solution/dispersion;
- f) depressurizing the solution/dispersion; and
- g) removing solid precipitate which has a higher concentration of protein than the initial solution/dispersion.

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JUL -5 (2000)  
TC 1760 MAIL ROOM

RECEIVED  
JUL -4 2000  
TC 1700 MAIL ROOM

REMARKS

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomasula (U.S.P. 5,432,265) in view of Hawley et al. (U.S.P. 3,642,490). Applicant respectfully traverses. Tomasula ('265) is primarily directed to the precipitation and removal of milk proteins from aqueous media. Reference to vegetable material (col. 4, lines 50-55) is only in the context of sterilization of vegetable pieces - a process and use clearly not envisioning the instantly claimed process of concentrating vegetable protein. The teaching of Hawley et al. ('490) is